Before the Federal Communications Commission Washington, D.C. 2054

	ORDER
Request for Cancellation of License)
)
Station WPVS899, Plainview, New York)
RF DATA INC.)
)
In the Matter of)

Adopted: March 16, 2011 Released: March 17, 2011

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

- 1. *Introduction*. We have before us a request filed by Telecom Communications, Inc. (Telecom) on January 20, 2011, seeking the cancellation in the Commission's Universal Licensing System (ULS) of the license of RF Data Inc. (RF Data) for Industrial/Business Pool Station WPVS899, Plainview, New York (Request). For the reasons set forth below, we grant the Request and will modify the Commission's licensing records to reflect the cancellation of the license.
- 2. *Background*. On August 13, 2002, the Commission granted RF Data's license to operate Industrial/Business Pool Station WPVS899, Plainview, New York.² In support of its request that the Commission cancel this license, Telecom argues that the license terminated automatically due to a permanent discontinuance of station operations.³ Telecom provides correspondence from the tower owner stating that there are no facilities operating on the licensed frequencies at that location.⁴
- 3. On January 31, 2011, the Wireless Telecommunications Bureau's Mobility Division (Division), acting pursuant to Section 308(b) of the Communications Act of 1934, as amended, requested that RF Data provide specified information concerning the operational status of Station WPVS899 within thirty days. The Division Letter stated that if RF Data failed to respond within thirty days, the Division could conclude that the authorization for Station WPVS899 had terminated due to permanent discontinuance of operation. No response to the Division Letter has been received to date.

¹ See Letter dated January 20, 2011 from John W. Bos, President, Telecom Communications, Inc. to Terry L. Fishel, Federal Communications Commission (Request).

² FCC File No. 0000913677 (filed June 5, 2002).

³ See Request at 1. Section 90.157(a) of the Commission's Rules provides that a Part 90 authorization, such as the license for Station WPVS899, cancels upon permanent discontinuance of operations. For the purpose of this section, any station that has not operated for one year or more is considered to have permanently discontinued operations. Section 1.955(a)(3) provides generally that authorizations terminate automatically, without Commission action, if service is permanently discontinued under the applicable rule for the type of service in question.

⁴ *Id.* Attached to the Request is a letter from Communications Leasing, Inc.

⁵ 47 U.S.C. § 308(b).

⁶ Letter dated Jan. 31, 2011, from Scot Stone, Deputy Chief, Wireless Telecommunications Bureau, to Pappammal Kurian, RF Data Inc. (Division Letter).

⁷ *Id*. at 1.

- 4. *Discussion.* Section 90.157 of the Commission's Rules provides that a license for a private land mobile radio station cancels automatically upon discontinuance of operation for a period of one year or more. The information provided in the Telecom Request is persuasive evidence supporting Telecom's claim that Station WPVS899 is not in operation and that its authorization cancelled automatically due to a permanent discontinuance of service. In addition, RF Data's failure to respond to the Division Letter presumptively indicates that the station is not constructed or operational. Therefore, we will update the Commission's Universal Licensing System to reflect the cancellation of the license for Station WPVS899.
- 5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 90.157 of the Commission's Rules, 47 C.F.R. § 90.157, the Request for Cancellation of License filed by Telecom Communications, Inc. on January 20, 2011 IS GRANTED, and the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WPVS899.
- 6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. § 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone Deputy Chief, Mobility Division Wireless Telecommunications Bureau

⁸ See 47 C.F.R. § 90.157(a).

⁹ See, e.g., National Ready Mixed Concrete Co., *Memorandum Opinion and Order*, 23 FCC Rcd 5250, 5253-54 ¶ 11 (2008) (explaining that "an undisputed statement from the site owner/manager that the putative licensee no longer maintains a transmitter at the authorized site" is sufficient to demonstrate permanent discontinuance of station operations under Section 90.157).

¹⁰ See, e.g., Milton H. Pintell, Order on Reconsideration, 20 FCC Rcd 19315, 19316 ¶ 5 (WTB PSCID 2005).